

108TH CONGRESS
1ST SESSION

S. 1310

To amend the Internal Revenue Code of 1986 to provide that the harbor maintenance tax is applied to certain ports that import cargo exceeding \$100,000,000 in value per year.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2003

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to provide that the harbor maintenance tax is applied to certain ports that import cargo exceeding \$100,000,000 in value per year.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. APPLICATION OF HARBOR MAINTENANCE TAX**
4 **TO CERTAIN PORTS IMPORTING CARGO EX-**
5 **CEEDING \$100,000,000 IN VALUE.**

6 (a) IN GENERAL.—Section 4462(a)(2) of the Internal
7 Revenue Code of 1986 (defining port) is amended by add-
8 ing at the end the following new subparagraph:

1 “(D) SPECIAL RULE FOR FACILITIES USED
2 TO TRANSPORT IMPORTED CARGO WORTH MORE
3 THAN \$100,000,000 IN A CALENDAR YEAR.—

4 “(i) IN GENERAL.—The exception
5 under subparagraph (B) shall not apply
6 for a calendar year if for any preceding
7 calendar year after 2001 the channel or
8 harbor was used to transport commercial
9 cargo entering the United States with an
10 aggregate value exceeding \$100,000,000.

11 “(ii) REINSTATEMENT OF EXCEP-
12 TION.—Clause (i) shall cease to apply to
13 any calendar year which is after a period
14 of 3 consecutive calendar years in which—

15 “(I) the aggregate value of such
16 cargo was \$100,000,000 or less dur-
17 ing each year, and

18 “(II) no Federal funds were used
19 for construction, maintenance, or op-
20 eration.

21 “(ii) DURATION OF REINSTATE-
22 MENT.—Clause (ii) shall continue to apply
23 to each calendar year after the first cal-
24 endar year to which such clause applies
25 only so long as the aggregate value of such

1 cargo was \$100,000,000 or less during the
2 preceding calendar year.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall take effect on January 1, 2003.

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